

REPLY UNDER 37 CFR 1.116 - VIA E-MAIL
Docket No. MI 6123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fulvio MALACARNE, et al.

Serial No.: 10/566,897

Group Art Unit: 1796

Filed: February 1, 2006

Examiner: R. D. HARLAN

Title: CONCENTRATES OF ADDITIVES FOR USE IN THE PROCESSING OF
POLYOLEFINS

SUPPLEMENTAL REPLY UNDER 37 CFR 1.116 - VIA E-MAIL

ATTN: EXAMINER HARLAN
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ok to enter,
RDH 02/26/2010

Sir:

Pursuant to the Examiner's request during a telephone conference on February 22, 2010 regarding the above-captioned application, Applicant is submitting this supplemental response for consideration, which is in addition to Applicant's previously filed response and amendment.

In particular, during the aforementioned telephone conference, the Examiner indicated that he was considering whether a rejection under 35 U.S.C. §103(a) would be appropriate with respect to U.S. Patent 6,677,395 (herein referred to as "the '395 patent"). Applicant pointed out various differences between the currently pending claims and the disclosure of the '395 patent, including, but not limited to, the currently claimed MFR, weight percentages, etc., as well as noted that the instant application and the '395 patent are commonly owned. In response to the issue of common ownership,

the Examiner requested that Applicant provide a statement regarding the same, which is provided below.

Statement of Common Ownership:

The currently claimed invention and the subject matter contained in the '395 patent are commonly owned, and Applicant was subject to an obligation of assignment to the owner of the '395 patent at the time the claimed invention was made. Applicant has included herein as ATTACHMENT C: (i) a copy of the assignee of record for the '395 patent; and (ii) a copy of the assignee of record for the instant application.

In view of the following amendments and remarks, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection, and allow all claims pending in this application.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection, and allow all pending claims 10-29 and 33-35. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner if he has any questions or comments.

U.S. Patent Application
Serial No. 10/566,897

Respectfully submitted,

By: 

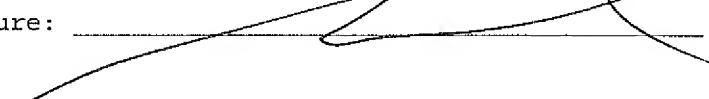
Jarrod N. Raphael
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Date: February 23, 2010
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I hereby certify that this correspondence is being e-mailed to robert.harlan@uspto.gov at the United States Patent and Trademark Office, February 23, 2010.

Typed or printed name of person signing this certificate:

Jarrod Raphael

Signature: 



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Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 1

Patent #: 6677395

Issue Dt: 01/13/2004

Application #: 10305844

Filing Dt: 11/27/2002

Inventors: Vu A. Dang, Richard J. Fezza, Daniel E. Schneckenburger, Cheng Q. Song

Title: IRRADIATED, OXIDIZED OLEFIN POLYMER DISPERSING AGENTS

Assignment: 1

Reel/Frame: 014367/0229

Recorded: 01/29/2003

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: DANG, VU A.

Exec Dt: 11/26/2002

FEZZA, RICHARD J.

Exec Dt: 12/02/2002

SCHNECKENBURGER, DANIEL E.

Exec Dt: 12/03/2002

SONG, CHENG Q.

Exec Dt: 11/26/2002

Assignee: BASELL POLIOLEFINE ITALIA S.P.A.

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MILAN 20124, ITALY

Correspondent: BASELL USA INC.

WILLIAM R. REID

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ELKTON, MD 21921

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10566897

Filing Dt: 02/01/2006

Publication #: [20070055004](#)

Pub Dt: 03/08/2007

Inventors: Fulvio Malacarne, Franco Sartori

Title: Concentrates of additives for use in the processing of polyolefins

Assignment: 1

Reel/Frame: [017539/0055](#)

Recorded: 02/01/2006

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [MALACARNE, FULVIO](#)

Exec Dt: 12/05/2005

[SARTORI, FRANCO](#)

Exec Dt: 12/05/2005

Assignee: [BASELL POLIOLEFINE ITALIA S.R.L.](#)

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MILAN 20124, ITALY

Correspondent: JARROD N. RAPHAEL

BASELL USA INC.

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